

## **EXHIBIT A – STATE COURT DOCUMENTS**

1. Plaintiff's Original Petition
2. Case Information Sheet
3. State Court Docket Sheet
4. Summary/Case Details Printout

CAUSE NO.

JOSEPH L. KNITTER	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	HARRIS COUNTY, TEXAS
	§	
SIG SAUER INC.	§	
	§	
<i>Defendant.</i>	§	_____ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION**

Plaintiff, Joseph L. Knitter, by and through undersigned counsel, brings this cause of action against Defendant, Sig Sauer Inc. ("Sig Sauer" or "Defendant"), and alleges as follows:

**A. PARTIES**

1. Plaintiff, Joseph L. Knitter, ("Plaintiff") is an individual who is a citizen and resident of the State of Texas.

2. Defendant, Sig Sauer Inc., is a foreign corporation, incorporated under the laws of the State of Delaware, with a principal place of business in the State of New Hampshire. Defendant may be served with process by serving its registered agent in Texas, National Corporate Research, Ltd., 1601 Elm St., Suite 4360, Dallas, Texas 75201.

**B. VENUE & JURISDICTION**

3. Venue is proper in Harris County, Texas pursuant to Tex. Civ. Prac. & Rem. Code §15.002(a) because all or a substantial part of the events giving rise to the claim occurred in Harris County and Defendants reside in Harris County. This court has jurisdiction over this case and the damages sought are within the jurisdictional limits of the court.

### **C. FACTS**

4. At all times relevant herein, Sig Sauer was and is engaged in the business of designing, manufacturing, distributing, and selling firearms, including the Sig Sauer Model P938 Black w/ambi safety, S/N 52B029241 (the "P938 Pistol").

5. The P938 Pistol was manufactured with the thumb safety installed backwards which resulted in the safety not engaging properly and hanging up or sticking.

6. On June 28, 2015, Mr Knitter and a friend went fishing in Freeport, Texas. Mr. Knitter went to his vehicle to retrieve some fishing equipment, while carrying his concealed carry weapon, the P938 Pistol. The gun was loaded and the safety engaged. He carried it in a holster clipped to the pocket of his shorts.

7. He removed the gun from its holster to unload it and safely store the weapon in his vehicle, and released the clip. When he attempted to properly remove the bullet from the chamber by placing his hand over the barrel of the gun to push back the slide, the weapon discharged, firing through Mr. Knitter's hand and causing him severe injury and permanent disability.

8. At the time the P938 Pistol discharged, the safety was engaged. The P938 Pistol was manufactured with the thumb safety installed backwards. Due to the way the P938 Pistol is designed, this resulted in the safety hanging up or sticking and left the P938 Pistol in a dischargeable condition.

### **D. CLAIMS FOR RELIEF**

#### **I. Strict Liability – Manufacturing Defect**

9. Defendant Sig Sauer is the manufacturer of the P938 Pistol. The P938 Pistol

was manufactured with the thumb safety indent installed backwards, which caused the P938 Pistol to be dischargeable with the safety engaged.

10. The P938 Pistol reached the Plaintiff without substantial change in its condition, including the condition of the P938 Pistol's safety mechanism.

11. The condition of the P938 Pistol's safety mechanism rendered it unreasonably dangerous.

12. The unreasonably dangerous nature of the P938 Pistol as manufactured proximately caused the Plaintiff's injuries.

## **II. Strict Liability – Design Defect**

13. Defendant Sig Sauer designed the P938 Pistol.

14. Sig Sauer designed the safety mechanism on the P938 Pistol such that the thumb safety indent could be installed backwards, and further designed the P938 Pistol's safety mechanism such that the pistol can be discharged when the thumb safety indent is installed backwards.

15. A reasonable alternative design of the P938 Pistol would avoid one or both of these conditions.

16. Sig Sauer's design of the P938 Pistol rendered it unreasonably dangerous.

17. The P938 Pistol's unreasonably dangerous condition proximately caused the Plaintiff's injury.

## **III. Strict Liability – Marketing Defect**

18. Sig Sauer knew, or in the exercise of ordinary care should have known, of the P938 Pistol's propensity to unexpectedly discharge with the safety engaged, yet failed to

notify or warn the Plaintiff of the propensity, either before or after his purchase of the P938 Pistol.

19. Neither Plaintiff nor the general public recognized the risks associated with the P938 Pistol without such a warning.

20. Sig Sauer failed to warn Plaintiff of the risks associated with use of the P938 Pistol both before and after the sale and purchase of the defective product.

21. Failure to inform Plaintiff of the risk of discharge with the P938's safety engaged proximately caused Plaintiff's injuries.

#### **IV. Negligence and Gross Negligence**

22. Plaintiff realleges the facts and bases for liability in paragraphs 9-21 as if fully stated in this Negligence and Gross Negligence Section.

23. Defendant Sig Sauer was negligent in the design manufacture, testing, inspection and marketing of the P938 Pistol sold to Plaintiff.

24. P938 Pistol's propensity to unexpectedly discharge with the safety engaged causes it to be unreasonably dangerous.

25. Sig Sauer, in the exercise of ordinary care, should have designed or manufactured the P938 Pistol so that it could not discharge with the safety engaged.

26. Sig Sauer, in the exercise of ordinary care, should have inspected and tested the P938 Pistol after it was manufactured but before it was distributed to ensure that it could not discharge with the safety engaged.

27. Sig Sauer knew, or in the exercise of ordinary care, should have known, that the P938 Pistol was defective and unreasonably dangerous in the condition that it reached

the Plaintiff.

28. Sig Sauer, in the exercise of ordinary care, should have informed Plaintiff of the risk of the P938 Pistol discharging with the safety engaged.

29. Sig Sauer had actual knowledge of the problems with the P938 Pistol at the time it was sold to Plaintiff, in particular the P938 Pistol's propensity to unexpectedly discharge with the safety engaged causes it to be unreasonably dangerous, such that the conduct of Sig Sauer was grossly negligent.

30. Sig Sauer's negligence and gross negligence proximately caused Plaintiff's injuries.

#### **E. ACTUAL AND PUNITIVE DAMAGES**

31. Plaintiff's injuries include, but are not limited to

- Ulnar neuropathy;
- Bilateral medical nerve lesions at the wrist;
- Ulnar nerve damage and impact;
- Nerve compression from a ganglion cyst; and
- Fragments of fibroconnective tissue with a myxoid degeneration.

32. Defendant is also liable for punitive damages in an amount to be determined because of Defendant's grossly negligent conduct.

#### **F. JURY DEMAND**

33. Plaintiff requests a trial by jury.

#### **G. PRAYER**

Plaintiff respectfully requests that the Court enter judgment in his favor and against

Sig Sauer and award Plaintiff:

- a. Compensatory damages (including but not limited to past medical expenses and future medical expenses, past lost wage earning capacity and future loss of wage earning capacity);
- b. Special damages (including but not limited to past and future physical pain, past and future loss of enjoyment of life, and past and future impairment);
- c. All costs and expenses of this suit to which Plaintiff is entitled pursuant to the laws and statutes of the State of Texas;
- d. Pre-judgment and post-judgment interest at the highest rate allowed; and

Such other and further relief as may be just and proper, at law or equity.

FELDMAN & FELDMAN, P.C.



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Houston, TX 77098  
(713) 986-9471 Telephone  
(713) 986-9472 Facsimile

ATTORNEYS FOR PLAINTIFF



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this July 19, 2017

Certified Document Number: 75673925 Total Pages: 6

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**



# CIVIL CASE INFORMATION SHEET

## 2017-42457 / Court: 269

CAUSE NUMBER (FOR CLERK USE ONLY): \_\_\_\_\_ COURT (FOR CLERK USE ONLY): \_\_\_\_\_

6/26/2017 4:28:54 PM  
Chris Daniel - District Clerk  
Harris County  
Envelope No: 17845677  
By: KITCHENS, JUSTIN R  
Filed: 6/26/2017 4:28:54 PM

STYLED JOSEPH L. KNITTER V. SIG SAUER INC.

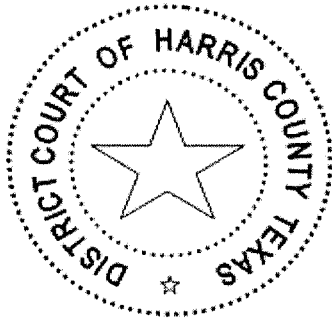
(e.g., John Smith v. All American Insurance Co; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b>  Name: <b>Cris Feldman</b> Address: <b>3355 W. Alabama St., Suite 1220</b> City/State/Zip: <b>Houston, TX 77098</b> Signature: _____  Email: <b>cris.feldman@feldman.law</b> Telephone: <b>713-986-9471</b> Fax: <b>713-986-9472</b> State Bar No: <b>24112613</b>		<b>Names of parties in case:</b>  Plaintiff(s)/Petitioner(s): <b>Joseph L. Knitter</b> _____ Defendant(s)/Respondent(s): <b>Sig Sauer Inc.</b> _____ [Attach additional page as necessary to list all parties]		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____  Additional Parties in Child Support Case:  Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>					
<b>Civil</b>			<b>Family Law</b>		
<b>Contract</b> <i>Debt/Contract</i> <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____  <i>Foreclosure</i> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <i>Malpractice</i> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: _____ <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <i>Product Liability</i> <input type="checkbox"/> Asbestos/Silica <input checked="" type="checkbox"/> Other Product Liability List Product: _____ <input type="checkbox"/> Other Injury or Damage: _____	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____  <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <i>Divorce</i> <input type="checkbox"/> With Children <input type="checkbox"/> No Children  <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other  <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order  <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Paternity/Parentage <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____			
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		<b>Probate &amp; Mental Health</b> <i>Probate/Wills/Intestate Administration</i> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
<b>4. Indicate damages sought (do not select if it is a family law case):</b>					

- ☐ Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees
- ☐ Less than \$100,000 and non-monetary relief
- ☐ Over \$100,000 but not more than \$200,000
- ☐ Over \$200,000 but not more than \$1,000,000
- ☒ Over \$1,000,000

Rev 2/13



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.  
Witness my official hand and seal of office  
this July 19, 2017

Certified Document Number: 75673926 Total Pages: 2

Chris Daniel, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail support@hcdistrictclerk.com**

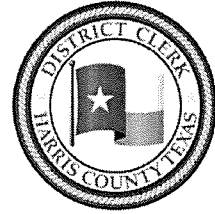
Harris County Docket Sheet

**2017-42457**

**COURT:** 269th

**FILED DATE:** 6/26/2017

**CASE TYPE:** Product Liability - Other



**KNITTER, JOSEPH L**

Attorney: FELDMAN, CRISTEN DAVID

**vs.**

**SIG SAUER INC**

**Docket Sheet Entries**

Date	Comment
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**HCDistrictclerk.com**

KNITTER, JOSEPH L vs. SIG SAUER INC

7/21/2017

Cause: 201742457      CDI: 7      Court: 269

**APPEALS**

No Appeals found.

**COST STATMENTS**

No Cost Statments found.

**TRANSFERS**

No Transfers found.

**POST TRIAL WRITS**

No Post Trial Writs found.

**ABSTRACTS**

No Abstracts found.

**SETTINGS**

No Settings found.

**SERVICE**

No Service found.

**NOTICES**

No Notices found.

**SUMMARY****CASE DETAILS**

<b>File Date</b>	6/26/2017
<b>Case (Cause) Location</b>	Civil Intake 1st Floor
<b>Case (Cause) Status</b>	Active - Civil
<b>Case (Cause) Type</b>	Product Liability - Other
<b>Next/Last Setting Date</b>	N/A
<b>Jury Fee Paid Date</b>	N/A

**CURRENT PRESIDING JUDGE**

<b>Court</b>	269 <sup>th</sup>
<b>Address</b>	201 CAROLINE (Floor: 13) HOUSTON, TX 77002 Phone:7133686370
<b>JudgeName</b>	DAN HINDE
<b>Court Type</b>	Civil

**ACTIVE PARTIES**

Name	Type	Post Attorney Jdgm
KNITTER, JOSEPH L	PLAINTIFF - CIVIL	FELDMAN, CRISTEN DAVID
SIG SAUER INC	DEFENDANT - CIVIL	

**INACTIVE PARTIES**

No inactive parties found.

**JUDGMENT/EVENTS**

Date	Description	Order Signed	Post Jdgm	Pgs /Page	Volume Filing Attorney	Person Filing
6/26/2017	ORIGINAL PETITION			0	FELDMAN, CRISTEN DAVID	KNITTER, JOSEPH L

**DOCUMENTS**

Number	Document	Post Jdgm	Date	Pgs
restricted	Plaintiff's Original Petition		06/26/2017	6
-> restricted	CIVIL CASE INFORMATION SHEET		06/26/2017	2